

REMARKS

Applicants submit this Amendment and Request for Continued Examination in reply to the final Office Action mailed May 5, 2004 and Advisory Action mailed September 8, 2004. By this Amendment, Applicants amend claim 1 to further define the claimed invention. Before entry of this Amendment, claims 1-22 were pending in this application. After entry of this Amendment, claims 1-22 remain pending. The originally-filed specification, claims, abstract, and drawings fully support the subject matter of amended claim 1. No new matter is introduced.

On pages 2-3 of the Final Office Action, claims 1-3, 12, 13, 17-21, and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,915,688 to Bischof et al. ("Bischof"); and claims 4-11 and 14-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bischof. Applicants respectfully traverse these rejections.

None of the cited references disclose or suggest the invention as claimed in independent claim 1. For example, independent claim 1 recites a suction adapter for use with first and second medical devices capable of accommodating suction including, among other aspects, "a flexible flow valve having an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port, the flexible flow valve permitting simultaneous fluid flow between the suction port and both the first and second device ports, wherein the fluid flow path between the suction port and the first device port is through the opening." Bischof does not disclose or suggest at least these aspects of

the claimed invention either alone or in combination with the other aspects of the claimed invention.

Bischof discloses a manifold 10 having inlets 22, 24, 26, 28, 36 connected to, for example, supply containers. Each inlet 22, 24, 26, 28, 36 is in fluid communication with a collecting reservoir 34. Respective nonreturn valve 22', 24', 26', 28', 36' control flow between the inlets 22, 24, 26, 28, 36 and reservoir 34. Each nonreturn valve permits flow only in the direction from the inlets 22, 24, 26, 28, 36 to the reservoir 34. Similarly, nonreturn valve 30' permits flow only in the direction from reservoir 34 to outlet 30. (Col. 3, lines 38-47). Due to the configuration of the nonreturn valves 22', 24', 26', 28', 30', 36', connection 40, which may be connected to a suction syringe 42, can only draw flow from inlets 22, 24, 26, 28, 36, and not outlet 30. Valve 30' does not permit suction at outlet 30.

On page 2 of the Final Office Action, the Examiner asserts that the inlet/outlet connection 40, the inlets 22, 24, 26, 28, 30, and the nonreturn valves 22', 24', 26', 28', 30', correspond, respectively, to the suction port, device ports, and flexible flow valves of the claimed invention. Even assuming *arguendo* that this is true, Bischof still does not disclose or suggest, "a flexible flow valve having an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port, the flexible flow valve permitting simultaneous fluid flow between the suction port and both the first and second device ports, wherein the fluid flow path between the suction port and the first device port is through the opening," as set forth in claim 1. No interpretation of the structural elements of Bischof meets the recitation of claim 1.

For example, even assuming *arguendo* that inlet/outlet connection 40 is the suction port, inlet 22 is the first device port, inlet 24 is the second device port, and nonreturn valve 22' is the flexible flow valve, there is no "first flow path between the first device port and the second device port," as nonreturn valve 24' prevents any flow from inlet 22 from entering inlet 24, much as nonreturn valve 22' prevents any flow from inlet 24 from entering inlet 22.

In another example, even assuming *arguendo* that inlet/outlet connection 40 is the suction port, inlet 30 is the first device port, inlet 22 is the second device port, and nonreturn valve 30' is the flexible flow valve, there is no "second flow path between the first device port and the suction port... wherein the fluid flow path between the suction port and the first device port is through the opening." Even if inlet/outlet connection 40 is used for suction, inlet/outlet connection 40 is only capable of suctioning flow from inlets 22, 24, 26, 28, 36, and cannot suction flow from outlet 30, as nonreturn valve 30' only allows flow therethrough via its opening away from inlet/outlet connection 40. Moreover, according to this interpretation of the Bischof device, the device is not an adapter for use with two devices accommodating suction, as set forth in claim 1. The device connected to port 30 does not accommodate suction.

As a still further example, even assuming *arguendo* that inlets 22 and 26 of Bischof are first and second device ports, connection 40 is a suction port, and valve 24' is a flow valve positioned as claimed, the fluid flow port between connection 40 and either of inlets 22 and 26 is not through an opening in valve 24'. According to this example, Bischof does not disclose or suggest that "the fluid flow path between the suction port and the first device port is through the opening," as claimed.

Thus, claim 1 patentably distinguishes from Bischof. For at least these reasons, Applicants respectfully request withdrawal of the Section 102(b) and Section 103(a) rejections based on Bischof, and allowance of pending claims 1-22.

Applicants further submit that claims 2-22 depend from independent claim 1, and are therefore allowable for at least the same reasons that independent claim 1 is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references, and therefore at least some also are separately patentable.

Applicants respectfully asserts that this Amendment places claims 1-22 in condition for allowance. This claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. For example, Applicants do not necessarily agree with comments on pages 2 and 3 of the Final Office Action regarding the nature of dependent claims 17-20 or the Section 103 rejection of certain dependent claims. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the

drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time, not otherwise provided for, that are required to enter this Amendment and Request for Continued Examination and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Michael W. Kim
Reg. No. 51,880